

REMARKS

Claims 1, 3-4 and 6-19 are pending in the application. Claims 1, 11 and 18 are independent claims.

Section 103(a) Rejection based on Shen

Claims 1, 3-4 and 6-19 were finally rejected under Section 103(a) as being unpatentable over US Patent Application Publication 2002/0093944 (Shen et al.).

Applicant respectfully traverses the outstanding rejection and submits that each of independent Claims 1, 11 and 18 is clearly patentable over Shen. Reconsideration is requested.

Independent Claim 1 is directed to a method for providing enhanced dial-up capabilities to a network connection, the method including the steps of establishing an audio connection between a telephone and a centrally located dial server, processing information conveyed by the audio connection to the dial server to obtain a telephone number and forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network. The audio connection is formed across the gateway, and the connection between the telephone and the dial server is established using media gateway control protocol.

Shen is simply directed to a computer-implemented markup language-based server. The server “retrieves a voice application over a computer network from a remote website and uses it to have a speech-based conversation with the user.....after the requested service is performed, the voice application and the user service data are removed from the telephony server” (Abstract).

The final Office Action acknowledges that “Shen et al. differ from claim 1 in that he *fails to disclose that the gateway is local*”. The Action however then takes the position that since Shen discloses selecting “whether to route the call via the Internet or via the PSTN based on the cost of the call....[and]...local PSTN calls are free (low cost)...it would have been obvious...to make the gateway local to achieve the advantage of reducing the cost of making calls”.

The telephony server 32 of Shen is very clearly defined to be a centrally located server with which a user communicates over a telephone communication device. The server can then “select to route the call...through a PSTN connection...and/or Internet channel” (para [0017]).

Shen absolutely does not, and would not to one of ordinary skill in the art, suggest modifying such a telephony server to somehow ‘break out’ a “local gateway” (allegedly ‘telephone network interface cards in Figure 1, #60’), as recited in each of Applicant’s independent claims, and then, to also provide a method in which an audio connection is established between a telephone and a centrally located dial server, the information conveyed by the audio connection to the dial server is processed to obtain a telephone number; and then, the telephone number is forwarded from the centrally located dial server to the local gateway that has a connection to a network, wherein the audio connection between the telephone and the centrally located dial server is formed across the gateway.

Again, this simply would not be obvious to one of ordinary skill in the art, based at least on the actual teachings of Shen and based on the Examiner’s statement that “it is well known in the art that local PSTN calls are free (low cost)”.

In addition, Applicant traverses the rejection, and respectfully submits that the rejection, again, acknowledging that Shen *fails to disclose that the gateway is local*, but taking the position that it would have been obvious to make the gateway local to achieve the advantage of reducing the cost of making calls, completely relies upon impermissible hindsight to arrive at such a conclusion based on the alleged teachings of Shen. In fact, the Action is clearly relying upon Applicant’s very own specification as an instruction manual or “road map” to piece together the alleged teachings of Shen with those teachings allegedly ‘well known in the art’ in order to render the pending claims obvious. The *only* suggestion for modifying the server of Shen in the manner suggested in the final Office Action is found in the luxury of the hindsight accorded one who first viewed Applicant’s disclosure, which of course, is not a proper basis for a rejection.



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Again, the Office Action relies upon "telephony server 32" of Shen as allegedly reading upon Applicant's recited "local gateway" and "centrally located dial server" connected to the gateway. Shen does not in any way teach or suggest establishing an audio connection between a telephone and a centrally located dial server,and forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network.

For all of the foregoing reasons, Applicant respectfully submits that each of independent Claims 1, 11 and 18 is patentable over Shen.

Dependent Claims 3, 4, 6-10, 12-17 and 19 are believed patentable over Shen for the same reasons as submitted above with respect to independent Claims 1, 11 and 18, one or another from which they depend and as reciting additional distinguishing limitations.

It is respectfully submitted that in regard to the above remarks that Claims 1, 3-4 and 6-19 are patentable over the art of record. Should the Examiner be of the view that an interview would expedite consideration of this Response or of the application at large, request is made that the Examiner telephone the Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

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